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UNCLAS BELIZE 000200

SIPDIS

SENSITIVE

SIPDIS

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SUBJECT: BELIZE: SIXTH ANNUAL ANTI-TRAFFICKING IN PERSONS
(TIP) REPORT

REF: A) STATE 03836;
B) 05 BELIZE 188;
C) 05 BELIZE 1067;
D) 05 BELIZE 946;
E) 05 BELIZE 423;
F) 06 BELIZE 04;
G) 05 BELIZE 1065;
H) 06 BELIZE 117;
I) 06 BELIZE 139

¶1. (U) The following responses are keyed to Ref A
"Checklist" paragraphs 21-24.

¶2. (SBU) Para 21: Overview of Belize's activities to
eliminate trafficking in persons:

¶A. Belize is a transit and destination country for international trafficked men, women and children, though apparently on a small scale. Trafficking occurs within the country's borders primarily in the form of "sugar daddies" - adult men who support pre-teen and teenaged girlfriends, often with the consent of the girl's parents. In conjunction with this, during the reporting year a singular instance of Belize as an origin country appeared wherein a Belizean girl was sold to an El Salvadoran national and transported to El Salvador (Refs C, G & F). Despite studies commissioned in 2003, and a recently (2005-2006) conducted United Nations Children's Fund (UNICEF) mapping study focusing on trafficked children issues, comprehensive statistical data on trafficking victims in Belize does not exist. UNICEF has reported that it will release the mapping report in March 2006. Although alien smuggling occurs, government and social organizations believe that trafficking is limited in scope in Belize. As both private and public Belizean organizations lack resources, most information on trafficking is obtained through word of mouth and hearsay. Many would-be trafficking cases are pursued as unlawful carnal knowledge/rape cases which carry a larger criminal penalty than trafficking in persons (Note: Eight years versus one year for trafficking. End Note.) However, in practice, convictions on TIP charges have proven challenging for the Director of Public Prosecutions (DPP) as eyewitness accounts remain necessary in the absence of an established forensic science unit.

1B. In the last year, the origins and composition of TIP victims have remained unchanged (Ref B, para b and c). Post has documented an increase in political will, at the highest levels of Belizean government, to address TIP. In December (Refs C and D), the Belize National Assembly approved an amended liquor licensing act, put forward by Deputy Prime Minister Johnny Briceno, which requires business and liquor licensees to be free of any TIP convictions. During the reporting year, at a rural child labor forum -- as part of Belize's adherence to ILO Convention 182 -- Minister of Health and Labor Vildo Marin held a "National Seminar on Hazardous Work", where Marin gave a public address acknowledging children performing labor in Belize as a major human rights issue. As a result of the Ministry's pilot project with International Labor Organization (ILO), seventy-five (75) children were removed from the workforce; forty-nine (49) of those were placed back in schools and the other 26 are awaiting placement in training programs.

In December 2005, the Belizean Cabinet approved a formalized name change and institutional enhancement of the Anti-Trafficking Task Force as the Anti-Trafficking in Persons Committee. As a formal National Committee, the Chairman reports directly to the Prime Minister and the Committee has a formalized Terms of Reference that lists their legally recognized responsibilities. The first draft of a National Plan of Action was produced during the rating period and put before Cabinet in December 2005. The United Nations Children's Fund (UNICEF) has agreed to fund a technical assistance consultancy to further elaborate and formalize the plan; particularly towards protecting the rights of children and women against commercial sexual exploitation and trafficking. At time of writing, the Inter-American Development Bank (IDB) is investigating grant-funding opportunities for the National Plan of Action. Even though

granted greater responsibility and a larger board, consisting of more government agencies, the challenge remains that the Anti-TIP Committee still operates without a formal budget or secretariat staff that is perpetually dedicated to the issue and to inter-agency coordination.

1C. The government is severely limited in its ability to address trafficking by a lack of resources and an overburdened and inexperienced court system. The public perception of corruption as a pervasive problem is high. Police and Immigration corruption is also seen as a problem. In June, under a massive budget deficit and impending bond debentures due, the government implemented severe austerity measures (Ref E). In the reporting year, the government has had success in investigation and prosecution of TIP but still lacks adequate resources to aid victims.

1D. The government tasked the Director of Immigration with compiling an annual report on TIP. At time of writing, the formal Annual TIP Report was being finalized. However, Immigration and the Anti-TIP Committee were able to provide information on 2005/6 cases along with some limited statistical data:

-- two convictions for TIP (Ref F): Celia Garcia and Walter Swazo, and application for extradition of an El Salvadoran national, Juan Santos Martinez;

-- case of Petronilla Urratia (Ref G): was adjourned 23 FEB to 27 MAR 06;

-- statistical data provided showed five TIP cases and 15 for alien smuggling, labor offenses and other immigration offences.

13. (SBU) Reftel A para 22: PREVENTION:

1A. The government has acknowledged trafficking as a problem; however, the extent and full nature of the problem is unknown. Lacking resources to keep detailed, ready data on immigration and trafficking, GOB has requested assistance in mapping and studying the problem. UNICEF and the

International Labor Organization (ILO) have begun programs to assess the issue. Together with ILO/IPEC, the Belizean National Committee for Families and Children (NCFC) is currently conducting a study for a project on the "Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and Dominican Republic"; ILO/IPEC has approved an estimated budget for Belize for regional collaboration, institutional strengthening, and communication and social mobilization for \$212,500. NCFC expects the information gathering and project proposal to be ready in March. The United Kingdom Department for International Development (DFID) has funded a technical assistance project for the purchase and installation of CCTV systems and rooms for use by child and/or other trafficking/abuse victims in court proceedings in order that the victim does not have to sit in open court and testify. At GOB request, the IDB is also currently investigating possibilities to study and address the trafficking issue.

Despite the lack of financial resources and solid numbers on trafficking victims, the government has made a serious effort to address problems, request assistance, and prevent an increase in trafficking.

1B. The multi-agency National Anti-TIP Committee, founded in 2003 as a "Task Force", was upgraded in 2005 in name and composition (Ref B). The Committee, a conglomeration of a dozen government agencies, is the lead agency on anti-trafficking efforts and meets approximately every other month. The Committee has significantly expanded and is comprised of representatives from: the Ministry of Home Affairs; National Committee for Families and Children (NCFC); Attorney General's Ministry; Office of the Commissioner of Police; Department of Immigration and Nationality Services; Human Services Department; Central Statistical Office; Director of Public Prosecutions (DPP); Labor Department; Customs Department; and Ministry of

Foreign Affairs, Foreign Trade and Tourism (MFA).

1C. Lack of financial resources has prevented the Committee from continuing public information and education programs that began in 2003 and continued through 2004. A public service video announcement was aired by one local TV station, free of charge. Posters remain visible at Belize's international entry points, police stations, check points, at all immigration and customs offices countrywide and sporadically at bus stations, health centers, clinics and hospitals. Individual ministries and departments on the Anti-TIP Committee continue to keep anti-trafficking sensitivity training as part of their regular training schedules. In April, the International Organization for Migration (IOM) and Organization of American States (OAS) conducted an Anti-Trafficking in Persons training seminar.

1D. The government has stated that it maintains the position of supporting any effort to prevent trafficking; it is unaware of any other program aimed at the issue outside of the ministries and departments that are part of the Anti-TIP Committee. Under the Ministry of Human Development, as part of the anti-domestic abuse efforts, the Women's Department has several programs for the protection of women and empowerment that could be beneficial for potential victims of trafficking. As stated above in paragraphs 2B and 3A, the NCFC has several efforts to protect children and keep them in school.

1E. (Note. No "E" in ref A. End Note.)

1F. The Anti-TIP Committee is comprised of government officials and maintains a good working relationship with civil society. Two local civil society organizations, the National Organization for the Prevention of Child Abuse, and Neglect (NOPCAN) and Youth Enhancement Services (YES), provided input into the Committee's National Plan of Action and were subsequently invited to join the Committee.

¶G. The Immigration Department report has not been officially released, but, according to the Chair of the Anti-TIP Committee, it is woefully inadequate. It is uncertain if any indications of a serious attempt to monitor immigration and emigration patterns leading to evidence of trafficking are contained in the report. Since 2003, immigration and law enforcement officials have had materials and sensitivity training for screening potential victims along borders. The government has increased the number of random and stationary police checkpoints along roads from Guatemala, reportedly to screen for victims.

¶H. The central mechanism for coordination is the National Anti-TIP Committee, which is a multi-agency working group of twelve ministries and departments of the Belizean government. The focal point/main contact for TIP is the Head of the National Anti-TIP Committee -- since inception in 2003, former Minister of Human Development and current Ambassador for the National AIDS Commission, Dolores Balderamos Garcia, has chaired the Task Force/Committee. The government does not have a public corruption task force; however, an internal integrity committee monitors elected officials. The integrity committee is set up by the National Assembly itself.

¶I. (Note. No "I" in ref A. End Note.)

¶J. As mentioned in para 2B above, the National Plan of Action has been submitted to Cabinet and some international organizations are committed to assisting in implementation once the document is approved and publicly released. NGO's mentioned in 3E above have participated in the process. As the Action Plan is currently before Cabinet, it is considered a confidential document, and thus is not available for public dissemination.

¶4. (SBU) Reftel A para 23: INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶A. Belize enacted comprehensive anti-trafficking in persons legislation in 2003. The law, entitled Trafficking In

Persons (Prohibition) Act derives almost verbatim from U.S. model law. The law is adequate enough to cover the full scope of TIP. Additionally, other laws apply to provide some protection for victims, such as the Women's Protection Act. Trafficking in Persons is a criminal offense in Belize. In part II of the Act, sections 3-10 deal with the assessment of criminal offenses: "a person who engages in, or conspires to engage in, or attempts to engage in, or assists another person to engage in, or organizes or directs another person to engage in, trafficking in persons commits an offence punishable on summary conviction with a fine of Bz\$10,000 (USD\$5,000) or imprisonment of not less than one year and not more than five years." Other tenants of the law list offenses, such as transportation, with sentences up to eight years. In addition, protection under the Belizean Constitution is provided, whereas the Constitution prohibits slavery and forced labor.

¶B. The law does not differentiate traffickers of people for sexual exploitation from labor exploitation. The penalty for transportation of victims is three to eight years if the number of transported victims exceeds five, or where the transportation is done as part of a gang or organized criminal group or network.

¶C. The penalty for rape is eight years. Penalties assessed for forcible sexual assault are not explicitly detailed but have ranged from four to twenty years. These penalties for rape and unlawful carnal knowledge (Note: Rape of a minor under 18 years of age. End Note) are greater than the penalties for trafficking, which is one to five years, and recent sentences have been for one year (Ref F). Significant for the protection of young girls, the age of consent was increased in the reporting year from 14 to 16 thus, according to GOB officials, the gap was closed for males attempting to escape rape charges by marrying an

underage girl they were victimizing (Ref D).

¶D. Prostitution is not explicitly illegal or legal, even if periphery activities are illegal. The activities of a brothel owner/operator, clients, pimps and enforcers are illegal as listed. Article 49 of the Laws of Belize make it illegal to procure: any female under age eighteen, any female unless she is a common prostitute or known to be of immoral character (these terms are undefined in the law), any female to become a prostitute, any female to leave Belize with the intent to become an inmate of or to frequent a brothel, and any female to leave her residence within or without Belize with the intent to become an inmate of or to frequent a brothel. The maximum penalty is five years imprisonment. Article 50 of the Laws of Belize prohibits: using threats or force to procure a female to have any unlawful carnal knowledge, using false pretenses or misrepresentation to cause a female to have unlawful carnal knowledge (except in cases where the female is a common prostitute or of known immoral character), or use any drug, matter or thing to stupefy or overpower a female so as to enable any person to have unlawful carnal knowledge with said female. Violation of this law could lead to a maximum of three years imprisonment. Belize's Summary Jurisdiction (Offenses) Act also prohibits maintenance of a brothel, with up to six months imprisonment or USD\$250 (Bz\$500) fine, and knowingly living off the earnings of prostitution with up to six months imprisonment or USD\$50 (BZ\$100) fine.

¶E. The government successfully prosecuted and sentenced two individuals for trafficking, who are serving their time at Hattieville Central Prison (Ref F). The case of Petronilla Urratia (Ref C) was adjourned to 27 MAR 2006. The outcome of the two other indictments for TIP was unknown at time of reporting, as the formal Immigration Department report is incomplete and not officially released.

¶F. There is no reliable information pointing to who is behind trafficking in Belize. It is estimated that most are freelance operators or a loose network of taxi drivers and brothel owners. Additionally, it is rumored that both men and women are trafficked as domestics and shop workers from India and China by households/owners from the same countries; however, this rumor is not supported by hard

evidence. There is no evidence of employment, travel, tourism agencies or marriage brokers fronting for traffickers. There are no reports of government officials involved in trafficking. Post does monitor terrorism finance and money laundering; however, there are no reports of where profits from trafficking in persons are being channeled.

¶G. The government has actively investigated cases of trafficking and has obtained convictions as stated in 4E above (Ref F). These convictions and expected convictions, Urratia 27 March 06 case mentioned above, have demonstrated GOB competence and willingness to prosecute trafficking and related offenses or unlawful carnal knowledge wherever the penalty is greater. Thus, in the face of higher likelihood for prosecution for rape/unlawful carnal knowledge, subsequently with a greater penalty attached, the DPP will opt for pursuit of a rape conviction over a TIP conviction.

¶H. With the assistance of the Organization of American States (OAS), the government held an "Anti-Trafficking in Persons Training Seminar" as part of training for prosecutorial, police, immigration, customs, health and labor officials. The OAS cancelled a second planned training in September, but no reason was given. Post will send a Senior Crown Counsel to an International Visitors Leadership Program entitled "Combating Trafficking in Persons," Aug 10-31, 2006.

¶I. The government is currently attempting to cooperate with El Salvador (reftel G) in the extradition request of a TIP offender. El Salvador deported the twelve year-old Belizean trafficking victim unannounced. Belizean Immigration and

police became involved after questioning upon her arrival. With no records of interviews made available, it is difficult to ascertain cooperation with other nations. According to Pan American Health Officials (PAHO), semi-annually the Immigration Department/local police raid brothels; however, whether the prostitutes from other Central American countries are trafficking victims or not remains unclear. Often, they are repatriated with the assistance of their relevant embassies. Other Central American embassies have reported informally of successes in getting family assistance in instances of children who were being smuggled through Belize destined for reunification with parents in the U.S.

¶J. Regarding paragraph I above, GOB has reported that there have been no requests by outside nations for extradition of a Belizean for trafficking in persons. The government has stated that, in cases where Belize is a party to an extradition treaty with another state, Belize stands ready to cooperate in extraditing offenders. The Belize-United States extradition treaty allows for the extradition of persons charged with trafficking in persons. In the reporting year, Belizean officials cooperated with the Regional Security Office in the return of an American citizen to face charges under the Protect Act, after he had served time in Belize for rape and unlawful material.

¶K. There is no evidence of GOB involvement in or tolerance of trafficking.

¶L. Post knows of no instances in which government officials were involved in trafficking, tolerated trafficking, or were involved in trafficking related corruption.

¶M. Belize does not have an identified child sex tourism problem. Post has no evidence of Belize as source or destination of child sex tourism. The 2003 IMO report cited only that the "potential" exists with the rising number of tourists, but there is no evidence of such occurrence being on the rise in Belize. Pertinent to the question of vulnerable children, in March NCFC, ILO and UNICEF will release results of studies and mapping exercises that have investigated the areas of child labor and trafficking. The largest increase of tourists is in the daytime cruise-ship arrivals; however, only a small percentage (less than five percent as reported by cruise-ship officials) does not go on tightly controlled or directed tours. A Belizean Social

Services investigation (reftel B) of reports of cruise-ship tourists disembarking and seeking taxi drivers to take them to brothels did not encounter evidence of the rumored occurrences.

In coordination with Immigration and Police Officials, post RSO together with relevant U.S. law enforcement bodies have reported the deportation of five fugitive American pedophiles to the United States. There are no other reports of other foreign pedophiles. In January, three American citizens were acquitted of unlawful carnal knowledge of minors and trafficking charges (Ref H).

¶N. GOB has signed/ratified the following international instruments:

-- ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor on 6 MAR 2000;

-- ILO Convention 29 and 105 on forced or compulsory labor, both ratified on 15 DEC 1983;

-- The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography -- ratified on 1 DEC 2003;

-- The Protocol to Prevent, Suppress, and Punish TIP, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime -- acceded

to on 26 SEP 2003.

15. (SBU) (Para 24) PROTECTION AND ASSISTANCE TO VICTIMS:

1A. In accordance with its Anti-TIP law, the GOB provides victims with special residency status and relief from deportation. The GOB lacks resources to cover medical/psychological services, but the law compels convicted offenders to cover these costs, along with other costs, as part of a restitution package. The government does not have its own victim care or health care facilities but post, the Anti-TIP Committee and the Women's Department of the Ministry of Human Services has submitted an Economic Support Funds (ESF) grant proposal for creating a comprehensive victims' assistance program, which will include a shelter (ref I). Two local NGOs operate battered women's shelters, which can aid TIP victims, one children's home has been known to take in minor victims of trafficking until they can be returned to their homes (ref B).

1B. The GOB provides subvention funds to one NGO Haven House, whose main focus is on victims of domestic violence, but also provides assistance to victims of trafficking. Belize Social Services provides basic victim assistance. In December, an official from Social Services and the Belizean Ambassador to the U.S. attended OAS-sponsored regional training in Guatemala which focused on regional victim assistance.

1C. With IMO assistance, a formal screening and referral process has been in place since 2003, but it is largely unutilized by the victims who, as reported by Immigration, simply desire to return home. The health workers of USAID-funded Pan American Social Marketing Organization (PASMO) report that deportations of prostitutes to the Guatemalan border only result in their willing return to Belize.

1D. The law prohibits the government from treating TIP victims as criminals and provides for their legal protection. Victims may not be jailed or deported. No fines or other charges may be levied against victims for immigration offenses.

1E. The law encourages victims to assist in prosecutions by providing temporary residency and/or employment status to those victims willing to testify and assist in investigations; however, the government cannot currently provide a safe, comfortable place to house victims. Immigration Officials and the Office of the Director of Public Prosecutions (DPP) encourages victims to assist in

prosecutions; however, most return to their countries of origin rather than stay for a trial. During the rating period, no victim attempted to file civil suit or independent legal action against a trafficker. There are no known formal impediments to victim access to such legal redress. If a non-Belizean victim is a material witness against a former employer and has a legal work permit then he/she may obtain other employment or depart the country.

The government lacks the resources to provide restitution to victims, and in theory the law holds convicted traffickers accountable for restitution. Section 6(1) of the Trafficking in Persons (Prohibition) Act makes provision for a court to order a person convicted of trafficking in persons to pay restitution.

1F. There are no witness protection programs in Belize. The current anti-TIP legislation provides only for temporary legal residence and protection from prosecution for victims willing to testify. There are no shelters dedicated to TIP victims; child victims are placed in one of several state-assisted private shelters.

1G. During the rating period the government together with the OAS provided a comprehensive training (para 4H above). Although the GOB has not conducted training for employees at its foreign diplomatic missions, according to the Foreign

Ministry, each embassy and consulate is aware of the provisions of the Trafficking in Persons (Prohibition) Act and Belize's obligations under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Furthermore, Belize's Ambassador to the U.S. has taken a keen interest in the issue and has attended an OAS regional TIP seminar.

¶H. The government has provided full assistance (shelter, medical aid and financial help) to a 12-year-old Belizean victim that was returned from El Salvador (REF F).

¶I. UNICEF is currently completing a mapping exercise to see how they might assist child trafficking victims.

¶6. (U) Per para 20, reftel A, post point of contact (POC) for Trafficking (TIP) and Human Rights issues is POLOFF Brian S. DaRin, email: darinbs@state.gov; tel: 011-501-227-7161 ext. 205; Fax: 011-223-0802.

¶7. (U) Per para 20, reftel A, post estimates PolOff DaRin has spent approximately 400 hours on compiling information, arranging and attending meetings, reporting, and preparing the interim and annual Anti-Trafficking in Persons reports.

DIETER